

Good Morning Committee, my name is Brianna Yarnell. I am a native Vermonter and a survivor of domestic violence. I am testifying today in support of H.45 because of my lived experience navigating the court system after abuse.

My experiences within the Vermont Court Systems began in March 2011. I was a 21 year old, brand new mother to my then 8 week old son. In the weeks and months that followed my near fatal assault, my son and I experienced temporary homelessness, food insecurity, and an uncertain path forward. I was stalked, raped, and forced to send my infant child for unsupervised visits with my abuser. Most of all, I lived in constant fear. Even with a protection order in place, I did not trust that my son and I were safe.

By fall 2011, my abuser persuaded me to drop the relief from abuse order and to sign over/agree to shared custody. Then he filed in court for sole custody. For months I was harrassed, stalked and recorded without my consent. I scrambled to hire a lawyer for what little money I had, which ultimately did not serve me well. I was advised he would "win" because he was (intentionally) unemployed, but I worked 50 hours a week trying to provide for my son and I. So we "agreed" to a renegotiated shared (60/40) custody agreement. Ironically, I lost my job shortly thereafter due to missed time for meetings with my lawyer, and court proceedings.

For many years, he did not uphold his part of the custody order. He did not take his visitation, and if he did, my son experienced abuse and neglect. He did not participate in any school activities, sports, or medical appointments (despite always being notified). He also did not pay his child support obligation. If I ever mentioned a desire to change the order to reflect reality, the harassment and threats would begin immediately. Ultimately I decided that it was safer and healthier for my son and I if I did not engage and just left things as they were.

As years passed, he became more and more disconnected from my son, eventually moving out of state without notice in January 2019. Only then did I feel safe enough to file for sole custody of my son, and attempt to start adoption proceedings. In November 2020, my son's adoption by my husband was finalized. However, this was not the end of my court involvement. I am still in active litigation regarding my son's visitation with his paternal grandparent, who participated in our abuse.

While most of my experiences fall outside the scope of H.45, they have helped me to recognize the need for this legislation. I now have a lawyer who understands my situation and the emotional toll this process takes on myself and my family. I am deeply grateful that he is able to offer me some protection by filtering what I need to see and when. Prior to being able to afford my current counsel, I spent many, many years afraid to check my own email, never knowing when there would be new contact directly from my abuser or a new legal filing. Any contact I have with my abuser risks triggering my PTSD and further reduces my ability to emotionally heal, and move forward with my life. Additionally, the inability to truly be "free" from my abuser removes the possibility of closure.

The financial consequences of the ongoing and seemingly never ending court case(s) is absolutely devastating. Over the past 12 years, my husband and I have spent over \$40,000 and we are still accruing legal fees. I wonder how different my son's life would

be if we had the opportunity to spend this money in a more positive way, instead of continuing to fight for our safety and protection.

The consequences to victims of ongoing litigation abuse are vast, deeply disconcerting, and uniquely discouraging. Even years after climbing my way back from homelessness, job loss, and poverty, I'm still vulnerable to all of those hardships because of the ongoing financial burdens.

I know I'm not alone in my experience. The laws, as they stand, enable abusers to continue to harm their victims within the judicial system. Ironically, this is the very same system that also purports to protect survivors. I believe this bill is a much needed step forward in truly protecting survivors in a meaningful, ongoing way. Specifically, provision 2(b) (4) on page 5, allowing for a survivor to verbally request an order restricting abusive litigation in a hearing is an important step for accessibility. It removes the barrier of a survivor needing to figure out the additional steps needed to file paperwork. No filing fee is also another important feature of this legislation. Finally, I also want to highlight the provision in 1184 b2 that allows for the awarding of attorney's fees. This will have an inherently protective impact for victims, and restore a sense of financial justice. It could also act as a deterrent, discouraging abusers from using abusive litigation tactics.

H.45 acknowledges that abuse doesn't end when the victim leaves and that the judicial system is often used as a tool of harm. It recognizes the work that still needs to be done to protect fellow Vermonters and it takes meaningful steps forward in that process. Support for this legislation signals hope to current and future survivors that the judicial system can and will protect them after they leave their abuser. It is a positive step towards restoring lost trust from a system that has fallen short in protecting survivors. Support for this bill shows humility and humanity.

I want better for my fellow Vermonters. I appreciate your time listening to my testimony today and your consideration of my perspective as a survivor. I hope you will support H.45 to help protect all survivors from further harm by litigation abuse.